



SN 09/514,881

#12
PATENT
D A C

7-19-4
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARCHIBALD JR. ET AL. Examiner: Thai, T.
Serial No.: 09/692,957 Group Art Unit: 2186
Filed: October 20, 2000 Docket No.: SJO920000056US1
(IBMS.002PA)
Title: METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL STORAGE
MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.10

Express Mail' mailing label number: EV 418822144 US

Date of Deposit: July 15, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail
Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

By: Kathleen McDevitt
Name: Kathleen McDevitt

66 Total Pages

TRANSMITTAL

RECEIVED

JUL 23 2004

Technology Center 2100

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Petition to Withdraw Holding of Abandonment, pages 1-3, with Exhibits A - C.
- ☒ Transmittal sheet containing Certificate under 37 CFR 1.10.
- ☒ 1 Return Postcard.
- ☒ If required by this filing, herein is authorization to charge Deposit Account No. 50-0996 (IBMS.002PA) all requisite fees.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
Saint Paul, MN 55120
651.686.6633

David W. Lynch
Name: David W. Lynch
Reg. No.: 36,204



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARCHIBALD JR. ET AL. Examiner: Thai, T.
Serial No.: 09/692,957 Group Art Unit: 2186
Filed: October 20, 2000 Docket No.: **SJO920000056US1**
(IBMS.002PA)
Title: METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
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Alexandria, VA 22313-1450.

By: Kathleen McDevitt
Name: Kathleen McDevitt

66 Total Pages

**PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW HOLDING OF ABANDONMENT**

RECEIVED

JUL 23 2004

Technology Center 2100

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants' Attorney of Record has received a Notice of Abandonment stating that Applicant failed to timely file a proper reply to the Office letter mailed on September 5, 2003. Applicants respectfully submit that the Notice of Abandonment was issued in error due to the fact that the U.S. Patent and Trademark Office did not enter Applicants' Brief on Appeal that was filed on December 19, 2003. Thus, Applicants request that the holding of abandonment be withdrawn. Though not believed to be necessary in view of the merits of this evidence, if a fee is required, please charge Deposit Account No. 50-0996 (IBMS.002PA) for the thorough consideration of this Petition.

The details follow below.

Discussion

Applicants' Attorney of Record received an Advisory Action that was mailed out from the U.S. Patent and Trademark Office on September 5, 2003.

On September 25, 2003, Applicants' Attorney of Record responded by filing by facsimile a Notice of Appeal and a Petition for Extension of Time. An Auto-Reply Facsimile Transmission confirming receipt of the Notice of Appeal was received from the U.S. Patent and Trademark Office on September 25, 2003 (see Exhibit A). The Notice of Appeal was entered at the U.S. Patent and Trademark Office on September 26, 2003.

The Applicants' Attorney of Record mailed an Appellants' Brief on Appeal and Petition for Extension of Time, with appropriate fees, to the U.S. Patent and Trademark Office on December 19, 2003 (see Exhibit B). This Brief was not entered. Enclosed is a true copy of the Appellants' Brief on Appeal's return postcard, bearing stamped entry on December 24, 2003 by the U.S.P.T.O. Office of Initial Patent Examination (see Exhibit C). The stamped return postcard is prima facie evidence of receipt in the U.S. Patent and Trademark Office of all items listed thereon on the date stamped thereon by the U.S. Patent and Trademark Office. See MPEP § 503.

Remarks

It is believed that this petition is timely filed under 37 C.F.R. §1.181(f), since Applicants are responding within two month of becoming aware that the case had become abandoned.

For the above-stated reasons, Applicants respectfully request that the Holding of Abandonment be withdrawn and the Appeal Brief be considered. Three copies of the Appeal Brief are included to help facilitate the Appeal process.

Respectfully submitted,

Crawford Maunu, PLLC
1279 Northland Drive, Suite 390
Mendota Heights, Minnesota 55120
651-686-6633 Ext. 116

Date: July 15, 2004

By: _____

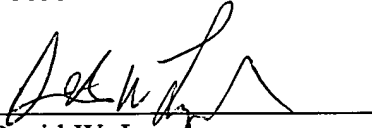

David W. Lynch
Reg. No. 36,204

EXHIBIT A

TO: Auto-reply fax 651686 7111 COMPANY:

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 651686 7111

Fax Information

Date Received:

9/25/03 12:46:56 PM [Eastern Daylight Time]

Total Pages:

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ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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Sent By: Crawford PLLC;

651686 7111;

Sep-25-03 11:44AM;

Page 1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ARCHIBALD JR. et al.	Examiner:	Thai, T.
Serial No.:	09/892,957	Group Art Unit:	2186
Filed:	October 20, 2000	Docket No.:	SJ092000056US1 (IBMS.002PA)
Title:	METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL STORAGE MANAGEMENT		

CERTIFICATE UNDER 37 CFR 1.8. The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being transmitted via facsimile solely for filing. Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 25, 2003.

Facsimile No.: 703-746-7238

By: Robert H. Jones
Robert H. Jones

TRANSMITTAL

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Notice of Appeal under 37 C.F.R. 1.191.
- ☒ Petition for Extension of Time.
- ☒ If required by this filing, herein is authorization to charge Deposit Account No. 50-0996 (IBMS.002PA) all requisite fees.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
Saint Paul, MN 55120
651.686.6633

Name: David W. Lynch
Reg. No.: 36,204

Received from <651686 7111> at 9/25/03 12:46:56 PM [Eastern Daylight Time]

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
576	9/25 11:44AM	1'01"	USPTO	Send.....	3/ 3	EC144	Completed.....
Total		1'01"	Pages Sent: 3	Pages Printed: 0			

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARCHIBALD JR. et al. Examiner: Thal, T.
Serial No.: 09/692,957 Group Art Unit: 2186
Filed: October 20, 2000 Docket No.: SJO920000056US1
Title: METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
(IBMS.002PA)
FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL STORAGE
MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being transmitted via facsimile only-Facsimile Entry. Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 25, 2003.
By: Robert M. Hayder
Facsimile No.: 703-746-7238

TRANSMITTAL

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

☒ Notice of Appeal under 37 C.F.R. 1.191.

☒ Petition for Extension of Time.

☒ If required by this filing, herein is authorization to charge Deposit Account No. 50-0996 (IBMS.002PA) all requisite fees.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
Saint Paul, MN 55120
651.686.6633

David W. Lynch
Name: David W. Lynch
Reg. No.: 36,204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARCHIBALD JR. et al. Examiner: Thai, T.
Serial No.: 09/692,957 Group Art Unit: 2186
Filed: October 20, 2000 Docket No.: SJO920000056US1
(IBMS.002PA)
Title: METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL STORAGE
MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being transmitted via facsimile only-Formal Entry. Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 25, 2003.

Facsimile No.: 703-746-7238

By: 

Bridget M. Hayden

TRANSMITTAL

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

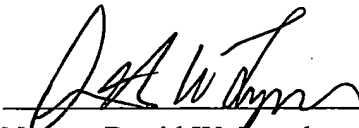
Sir:

We are transmitting herewith the attached:

- ☒ Notice of Appeal under 37 C.F.R. 1.191.
- ☒ Petition for Extension of Time.
- ☒ If required by this filing, herein is authorization to charge Deposit Account No. 50-0996 (IBMS.002PA) all requisite fees.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
Saint Paul, MN 55120
651.686.6633


Name: David W. Lynch
Reg. No.: 36,204

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARCHIBALD JR. et al. Examiner: Thai, T.
Serial No.: 09/692,957 Group Art Unit: 2186
Filed: October 20, 2000 Docket No.: SJO920000056US1
(IBMS.002PA)
Title: METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL
STORAGE MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being transmitted via facsimile-Formal Entry, to the attention of the Examiner at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 25, 2003.

Facsimile No.: (703) 746-7238

By: 

Bridget M. Hayden

NOTICE OF APPEAL UNDER 37 C.F.R. §1.191

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Notice of Appeal for the above-referenced application.

Please charge Deposit Account No. 50-0996 (IBMS.002PA) the amount \$320.00 for the fee required by Rule 1.17(b).

Presented for appeal are claims 1-22.

The undersigned is of record and with authority to prosecute the appeal on behalf of the Assignee.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
(651-686-6633)

By: 

Name: David W. Lynch

Reg. No.: 36,204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ARCHIBALD JR. et al. Examiner: Thai, T.
Serial No.: 09/692,957 Group Art Unit: 2186
Filed: October 20, 2000 Docket No.: SJO920000056US1
(IBMS.002PA)
Title: METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL STORAGE
MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being transmitted via facsimile-Formal Entry, to the attention of the Examiner at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 15, 2003.

Facsimile No.: (703) 746-7238

By: 

Bridget M. Hayden

PETITION FOR EXTENSION OF TIME

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §1.136, it is respectfully requested that a three-month extension of time be granted in which to file the attached NOTICE OF APPEAL. Please charge Deposit Account No. 50-0996 (IBMS.002PA) in the amount of \$930.00 to cover the extension fee for a large entity. If necessitated by this Extension, authority is given to charge/credit additional fees/overages to the above-referenced Deposit Account.

Respectfully Submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
(651) 686-6633

By: 

Name: David W. Lynch

Reg. No.: 36,204

EXHIBIT B

EXHIBIT C

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant ARCHIBALD JR. ET AL.

For: METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL STORAGE
MANAGEMENT

Docket No.: SJO920000056US1 (IBMS.002PA)

Date of Deposit: December 19, 2003

- ☒ Appellants' Brief on Appeal, in triplicate, pages 1-16.
- ☒ Petition for one-month Extension of Time.
- ☒ Authorization is given to charge Deposit Account No. 50-0996 (IBMS.002PA)
in the amount of \$330.00 for the filing of the Appellants' Brief and \$110.00 for the Petition of
Extension of Time.
- ☒ Please charge/credit Deposit Account No. 50-0996 (IBMS.002PA) for any
deficiencies/overpayments.
- ☒ 1 Return Postcard.

Appeal Brief



23 USA
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